

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6861 OF 2006

Shri K.H. Sathale ... Petitioner

V/s

M/s. Philips India Ltd. ... Respondent

Ms. Seema Sarnaik for the petitioner.

Mr. Sarosh Bharucha i/by M/s. Daphtary Ferreira & Diwan for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 10TH JULY, 2007.

P.C.:

1. The petition challenges the award of the Labour Court dated 15.5.2006. The Labour Court has held that the enquiry instituted against the petitioner was fair and proper and that the findings recorded by the Enquiry Officer were correct. The petitioner has been dismissed from service inter alia for dishonesty and theft of certain articles which were found in his locker. The Labour Court has considered the preponderance of probabilities and has held that the findings of the Enquiry Officer were correct.

2. Ms. Sarnaik, learned advocate appearing for the petitioner contended that there was no police complaint lodged by the respondent regarding the missing articles. She submits that a duplicate key to the locker used to remain with the respondent and, therefore, anybody could have had access to the petitioner's locker. She also submits that the articles found in the petitioner's locker were not those with which he was concerned as was not employed on the same belt where these articles were manufactured. These submissions cannot be accepted since there is no evidence that there was any previous discord between the petitioner and the respondent or that the respondent had any animus against the petitioner. There is no allegation of victimization either.

3. As rightly submitted by Mr. Bharucha, learned counsel for the respondent that the Enquiry Officer and the Labour Court have both held on the basis of the evidence recorded at the enquiry that the misconduct is proved. No interference is called for since there is no error apparent on the face of the record.

4. Writ petition rejected.

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